

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

YES ON TERM LIMITS, INC., et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. CIV-07-680-L
)	
M. SUSAN SAVAGE, individually and)	
in her official capacity as Oklahoma)	
Secretary of State, et al.,)	
)	
Defendants.)	

AMENDMENT OF JUDGMENT ON REMAND

This matter is before the court upon consideration of: The Mandate of the United States Court of Appeals for the Tenth Circuit issued in this matter on appeal on January 29, 2009 (No. 07-6233); the Tenth Circuit panel *Memorandum Decision* filed December 18, 2008 (*Yes on Term Limits, Inc., et al, v. Savage, Edmondson*, 550 F.3d 1023 (10th Cir., 2008); and the Order of the Tenth Circuit filed January 27, 2009 awarding Plaintiffs-Appellants costs on appeal and granting Plaintiffs-Appellants' Motion for Costs and Attorneys fees on remand.

IT IS THEREFORE ORDERED AND ADJUDGED that those portions of the *Memorandum Opinion* (Doc. No. 43) and *Judgment* (Doc. No. 44), filed September 7, 2007 in this matter, finding in favor of the Defendant M. SUSAN SAVAGE in her official capacity, and against each Plaintiff, be and the same are hereby vacated and set aside.

IT IS THEREFORE ORDERED AND ADJUDGED that in consideration of the Panel decision and the mandate of the Tenth Circuit that Plaintiffs YES ON TERM LIMITS, ROBERT MURPHY, SHERRI FERRELL, and ERIC DONDERO RITTBERG are entitled to declaratory judgment against Defendant M. SUSAN SAVAGE in her official capacity that 34 Okla. Stat. §6, 34 Okla. Stat. § 6.1, and 34 Okla. Stat. §3.1 constitute a violation of the *First Amendment* made applicable to the States by the *Fourteenth Amendment* of the *Constitution of the United States* insofar as these statutes constitute a ban on non-resident circulators.

IT IS FURTHER ORDERED AND ADJUDGED that pursuant to Federal Rule of Civil Procedure 65, Defendant SAVAGE in her official capacity as Secretary of State of the State of Oklahoma and her successors in office are hereby ordered and permanently enjoined and prohibited from enforcement of 34 Okla. Stat. §6, 34 Okla. Stat. § 6.1, and 34 Okla. Stat. §3.1 insofar as they constitute a ban on non-resident circulators.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiffs YES ON TERM LIMITS, ROBERT MURPHY, SHERRI FERRELL, and ERIC DONDERO RITTBERG, be and they are determined to be prevailing parties both on appeal and in the district court in accordance with the Order of the Tenth Circuit and therefore entitled to attorneys fees, costs, and expenses, the amount and extent of which will be determined by further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that judgment having been entered, the time in which Plaintiffs may submit an application for attorneys fees for work done both in the district court and on appeal, and a Bill of Costs is extended by agreement and Plaintiff may submit a bill of costs and an application for attorneys' fees within **twenty (20) days** of the date of entry of this Amended Judgment. Defendants shall thereafter have **twenty (20) days** in which submit a response to Plaintiffs' Application for Fees. Plaintiffs shall thereafter have **ten (10) days** in which to submit any reply. The Clerk will set the hearing on costs in accordance with its normal schedule which shall be adjusted by request based upon the availability of counsel to attend.

Entered this 8th day of April, 2009.



TIM LEONARD
United States District Judge